



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

NOV 4 2010

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Governor

BOB MARTIN
Commissioner

KIM GUADAGNO
Lt. Governor

Bureau of Industrial Site Remediation
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CERTIFIED MAIL/RRR

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John Brooks, President
DPH Holdings Corporation
5825 Delphi Drive - M/C 483-400-525
Troy, Michigan 48098-2815

NOTICE OF VIOLATION

EA ID #: PEA100001 - 001849

Name: Delphi Automotive Systems LLC (DPH Holdings Corporation is the parent of
Delphi Automotive Systems LLC)
Location: 760 Jersey Ave, New Brunswick, Middlesex County, New Jersey
Identifying #: E20060211

You are hereby notified that during a compliance review conducted on October 27, 2010 the Department of Environmental Protection (DEP or the Department) identified violations of: the Industrial Site Recovery Act (N.J.S.A 13:1K-6 et seq.), and the regulations promulgated thereunder, and the Remediation Agreement executed on July 26, 2006 ("Remediation Agreement").

This **NOTICE** is issued based on facts observed by or known to the Department's representative issuing this **NOTICE**, to warn you of the violations listed below.

DESCRIPTION OF VIOLATIONS

Requirement: Pursuant to Paragraph 9 of the Remediation Agreement and N.J.A.C. 7:26C-5.10, beginning three hundred sixty-five (365) calendar days after the effective date of the Remediation Agreement, and annually thereafter on the same calendar day, Delphi Automotive Systems LLC agrees to submit to the Department a detailed review of all remediation costs incurred and to be incurred by Delphi Automotive Systems LLC to comply with the Remediation Agreement.

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Description of Noncompliance: Failure to submit the annual detailed review of all remediation costs as required. *

Requirement: Pursuant to N.J.A.C. 7:26E-6.4(e), if the person responsible for conducting the remediation required for real property not owned by that person does not obtain the property owner's written consent to implement the institutional and/or engineering control at the property and to record a deed notice, the person shall remediate the property to an applicable unrestricted soil remediation standard.

Description of Noncompliance: Failure to remediate property not owned by the person conducting the remediation to the applicable unrestricted use standard if the property owner does not consent in writing to implement the institutional or engineering controls and to record a deed notice.

The Department will not assess a penalty against you for the violations marked above with an asterisk (*) if you correct them by the deadlines below.

PURPOSE OF THIS NOTICE - This is intended to serve as a **NOTICE** to you, to warn you of the above violations, in order to 1) provide you with an opportunity to voluntarily investigate the matter and voluntarily take corrective action to address the identified violation(s) and 2) identify those violations, and time periods, pursuant to the Grace Period Law, N.J.S.A. 13:1D-125 et seq. where your voluntary action can prevent formal enforcement orders and penalties issued by the Department (see violations marked with an asterisk above *). This **NOTICE** does not constitute a formal enforcement order, a final agency action or a final legal determination that a violation has occurred. Therefore, this **NOTICE** may not be appealed or contested.

Neither the issuance of this **NOTICE** nor any corrective actions taken by you to address the violation(s) cited, precludes the State of New Jersey or any of its agencies from initiating future enforcement action (including issuance of a formal enforcement order and the assessment of penalties) with respect to the violations listed above or for any other violations. In the event the Department determines to pursue future formal enforcement action, you will then be provided with an opportunity to appeal or contest such action. The above violations are subject to penalties of up to \$2,500.00 per day per violation as per paragraph 29 of the Remediation Agreement.

RESPONDING TO THIS NOTICE - Voluntary corrective actions taken in response to this **NOTICE** can affect the Department's determination on the need for or severity of any potential future enforcement action in this matter. In accordance with the Grace Period Law, the Department will not assess a penalty against you for the violations marked with an asterisk * above, if you take voluntary action to address and correct these violations at the time of issuance, or within the time periods indicated in this **NOTICE**. For violations identified in this **NOTICE** that are not subject to the Grace Period Law, the Department may consider any voluntary actions you take in response to this **NOTICE** as part of its determination 1) on whether to initiate future formal enforcement action for this site/matter and, 2) on the amount of any penalty that may be assessed in future enforcement actions. If Delphi Automotive Systems LLC fails to correct all the violations and comply with the corrective actions for the violations, the Department will draw on the remediation funding source established pursuant to N.J.A.C. 7:26C-5, in accordance with N.J.A.C. 7:26C-5.13. Please see the Corrective Action(s) section below regarding actions you may undertake to address violations identified in this **NOTICE**:

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CORRECTIVE ACTION(S) FOR VIOLATIONS IN THIS NOTICE

1. Within 30 days after receipt of this **NOTICE**, submit a review of all remediation costs incurred and to be incurred to comply with the Remediation Agreement, on a Remediation Cost Review Form available at www.nj.gov/dep/srp/srra/forms.
2. Remediate the site to the applicable unrestricted soil remediation standard, unless the property owner's written consent is obtained to implement the institutional and/or engineering controls.
3. Within 30 days after receipt of this **NOTICE**, submit evidence that demonstrates the Remediation Funding Source has been increased to the amount shown on the Remediation Cost Review Form (see number 1 above).

IF YOU HAVE QUESTIONS REGARDING THIS NOTICE, the actions recommended, or if you would like to describe actions taken to address the identified violations, please contact Vicky M. Galofre, Supervisor, at (609) 984-6869 prior to the time frames indicated.

Date:

11/04/10


Mark J. Pedersen, Chief
Bureau of Industrial Site Remediation

Additional Resources

Site Remediation Website <http://www.nj.gov/dep/srp/index.htm>
Site Remediation Regulations <http://www.nj.gov/dep/srp/regs/>
Grace Period Guidance <http://www.nj.gov/dep/srp/guidance/graceperiod/>

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